

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Jay S. Walker, Magdalena	)	Group Art Unit: 3714
Fincham, Michiko	)	
Kobayashi, Russell P.	)	Examiner: FRENEL, Vanel
Sammon, Andrew P.	)	
Golden, Geoffrey M.	)	<b>Response to Notice of Non-</b>
Gelman, Terry Mayfield	)	<b>Complian</b>
	)	
Application No.: 09/609,253	)	Attorney Docket No.: 00-007
	)	
Filed: June 30, 2000	)	
For: METHODS AND APPARATUS	)	
FOR INCREASING AND/OR	)	
MONITORING A PARTY'S	)	
COMPLIANCE WITH A	)	
SCHEDULE FOR TAKING	)	
MEDICINES	)	
	)	

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed on November 25, 2008, Applicant resubmits an updated Summary of Claimed Subject Matter.

Please replace page 5 of Appellants' Appeal Brief filed October 30, 2008 with the following:

## **STATUS OF CLAIMS**

Claims 2, 3, 5-47, 49, 50 and 116-125 are pending.

Claims 1, 4, 48 and 51-115 are cancelled.

Claims 2, 3, 5-47, 49, 50 and 116-125 are rejected and are being appealed.

## **REMARKS**

In a voicemail message, Patent Appeals Specialist Everett Williams explained that box five (5) of the Notice of Non-Compliant Appeal Brief was checked in error and that only boxes 2 should have been checked. The Appeal Brief has been corrected accordingly.

Accordingly, it is submitted that the Appeal Brief is now in order for examination. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this Appeal Brief or the present application, the Examiner is cordially requested to contact Jerome A. DeLuca at telephone number (203) 461-7319 or via electronic mail at [jdeluca@walkerdigital.com](mailto:jdeluca@walkerdigital.com).

**Authorization to Charge Fees**

Applicants do not believe an extension of time to make this Response timely is necessary. However, should an extension of time be necessary, please grant a petition of an extension of time necessary to make this submission timely. Additionally, please charge any fees that may be required for this submission as follows:

Deposit Account: 50-0271

Order No. 99-098

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

December 23, 2008

Date

/Jerome DeLuca, Reg. No. 55,106/

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